

FIRST REGULAR SESSION  
[CORRECTED]  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 1113**  
**98TH GENERAL ASSEMBLY**

2321H.04C

D. ADAM CRUMBLISS, Chief Clerk

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**AN ACT**

To repeal sections 193.015 and 193.145, RSMo, and to enact in lieu thereof two new sections relating to death certificates.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 193.015 and 193.145, RSMo, are repealed and two new sections  
2 enacted in lieu thereof, to be known as sections 193.015 and 193.145, to read as follows:

193.015. As used in sections 193.005 to 193.325, unless the context clearly indicates  
2 otherwise, the following terms shall mean:

3 (1) **"Advanced practice registered nurse", a person licensed to practice as an**  
4 **advanced practice registered nurse under chapter 335;**

5 (2) **"Assistant physician", as such term is defined in section 334.036;**

6 (3) "Dead body", a human body or such parts of such human body from the condition  
7 of which it reasonably may be concluded that death recently occurred;

8 [(2)] (4) "Department", the department of health and senior services;

9 [(3)] (5) "Final disposition", the burial, interment, cremation, removal from the state, or  
10 other authorized disposition of a dead body or fetus;

11 [(4)] (6) "Institution", any establishment, public or private, which provides inpatient or  
12 outpatient medical, surgical, or diagnostic care or treatment or nursing, custodian, or domiciliary  
13 care, or to which persons are committed by law;

14 [(5)] (7) "Live birth", the complete expulsion or extraction from its mother of a child,  
15 irrespective of the duration of pregnancy, which after such expulsion or extraction, breathes or  
16 shows any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 definite movement of voluntary muscles, whether or not the umbilical cord has been cut or the  
18 placenta is attached;

19 [(6)] (8) "Physician", a person authorized or licensed to practice medicine or osteopathy  
20 pursuant to chapter 334;

21 [(7)] (9) **"Physician assistant", a person licensed to practice as a physician assistant**  
22 **under chapter 334;**

23 (10) "Spontaneous fetal death", a noninduced death prior to the complete expulsion or  
24 extraction from its mother of a fetus, irrespective of the duration of pregnancy; the death is  
25 indicated by the fact that after such expulsion or extraction the fetus does not breathe or show  
26 any other evidence of life such as beating of the heart, pulsation of the umbilical cord, or definite  
27 movement of voluntary muscles;

28 [(8)] (11) "State registrar", state registrar of vital statistics of the state of Missouri;

29 [(9)] (12) "System of vital statistics", the registration, collection, preservation,  
30 amendment and certification of vital records; the collection of other reports required by sections  
31 193.005 to 193.325 and section 194.060; and activities related thereto including the tabulation,  
32 analysis and publication of vital statistics;

33 [(10)] (13) "Vital records", certificates or reports of birth, death, marriage, dissolution  
34 of marriage and data related thereto;

35 [(11)] (14) "Vital statistics", the data derived from certificates and reports of birth, death,  
36 spontaneous fetal death, marriage, dissolution of marriage and related reports.

193.145. 1. A certificate of death for each death which occurs in this state shall be filed  
2 with the local registrar, or as otherwise directed by the state registrar, within five days after death  
3 and shall be registered if such certificate has been completed and filed pursuant to this section.  
4 All data providers in the death registration process, including, but not limited to, the state  
5 registrar, local registrars, the state medical examiner, county medical examiners, coroners,  
6 funeral directors or persons acting as such, embalmers, sheriffs, attending physicians and resident  
7 physicians, **physician assistants, assistant physicians, advanced practice registered nurses,**  
8 and the chief medical officers of licensed health care facilities, and other public or private  
9 institutions providing medical care, treatment, or confinement to persons, shall be required to use  
10 and utilize any electronic death registration system required and adopted under subsection 1 of  
11 section 193.265 within six months of the system being certified by the director of the department  
12 of health and senior services, or the director's designee, to be operational and available to all data  
13 providers in the death registration process, **unless such person has authorized another**  
14 **individual under subsection 5 of this section to enter the data into the electronic death**  
15 **registration system on his or her behalf.** However, should the person or entity that certifies  
16 the cause of death not be part of, or does not use, the electronic death registration system, the

17 funeral director or person acting as such may enter the required personal data into the electronic  
18 death registration system and then complete the filing by presenting the signed cause of death  
19 certification to the local registrar, in which case the local registrar shall issue death certificates  
20 as set out in subsection 2 of section 193.265. Nothing in this section shall prevent the state  
21 registrar from adopting pilot programs or voluntary electronic death registration programs until  
22 such time as the system can be certified; however, no such pilot or voluntary electronic death  
23 registration program shall prevent the filing of a death certificate with the local registrar or the  
24 ability to obtain certified copies of death certificates under subsection 2 of section 193.265 until  
25 six months after such certification that the system is operational.

26         2. If the place of death is unknown but the dead body is found in this state, the certificate  
27 of death shall be completed and filed pursuant to the provisions of this section. The place where  
28 the body is found shall be shown as the place of death. The date of death shall be the date on  
29 which the remains were found.

30         3. When death occurs in a moving conveyance in the United States and the body is first  
31 removed from the conveyance in this state, the death shall be registered in this state and the place  
32 where the body is first removed shall be considered the place of death. When a death occurs on  
33 a moving conveyance while in international waters or air space or in a foreign country or its air  
34 space and the body is first removed from the conveyance in this state, the death shall be  
35 registered in this state but the certificate shall show the actual place of death if such place may  
36 be determined.

37         4. The funeral director or person in charge of final disposition of the dead body shall file  
38 the certificate of death. The funeral director or person in charge of the final disposition of the  
39 dead body shall obtain or verify **and enter into the electronic death registration system:**

40             (1) The personal data from the next of kin or the best qualified person or source  
41 available; [and]

42             (2) The medical certification from the person responsible for such certification **if**  
43 **designated to do so under subsection 5 of this section; and**

44             (3) **Any other information or data that may be required to be placed on a death**  
45 **certificate or entered into the electronic death certificate system including, but not limited**  
46 **to, the name and license number of the embalmer.**

47         5. The medical certification shall be completed, attested to its accuracy either by  
48 signature or an electronic process approved by the department, and returned to the funeral  
49 director or person in charge of final disposition within seventy-two hours after death by the  
50 physician **who participated in the patient's care and in consultation with the attending**  
51 **physician who was** in charge of the patient's care for the illness or condition which resulted in  
52 death. In the absence of the physician or with the physician's approval the certificate may be

53 completed and attested to its accuracy either by signature or an approved electronic process by  
54 the physician's associate physician, the chief medical officer of the institution in which death  
55 occurred, **a physician assistant, an assistant physician, and advanced practice registered**  
56 **nurse**, or the [physician] **individual** who performed an autopsy upon the decedent, provided  
57 such individual has access to the medical history of the case, views the deceased at or after death  
58 and death is due to natural causes. **The person authorized to complete the medical**  
59 **certification may, in writing, designate any other person to enter the medical certification**  
60 **information into the electronic death registration system if the person authorized to**  
61 **complete the medical certification has physically or by electronic process signed a**  
62 **statement stating the cause of death. Any persons completing the medical certification or**  
63 **entering data into the electronic death registration system shall be immune from civil**  
64 **liability for such certificate completion, data entry, or determination of the cause of death,**  
65 **absent gross negligence or willful misconduct.** The state registrar may approve alternate  
66 methods of obtaining and processing the medical certification and filing the death certificate.  
67 The Social Security number of any individual who has died shall be placed in the records relating  
68 to the death and recorded on the death certificate.

69         6. When death occurs from natural causes more than thirty-six hours after the decedent  
70 was last treated by a physician, **physician assistant, assistant physician, or advanced practice**  
71 **registered nurse**, the case shall be referred to the county medical examiner or coroner or  
72 physician or local registrar for investigation to determine and certify the cause of death. If the  
73 death is determined to be of a natural cause, the medical examiner or coroner or local registrar  
74 shall refer the certificate of death to the attending physician, **physician assistant, assistant**  
75 **physician, or advanced practice registered nurse** for such [physician's] certification. If the  
76 attending physician, **physician assistant, assistant physician, or advanced practice registered**  
77 **nurse** refuses or is otherwise unavailable, the medical examiner or coroner or local registrar shall  
78 attest to the accuracy of the certificate of death either by signature or an approved electronic  
79 process within thirty-six hours.

80         7. If the circumstances suggest that the death was caused by other than natural causes,  
81 the medical examiner or coroner shall determine the cause of death and shall complete and attest  
82 to the accuracy either by signature or an approved electronic process the medical certification  
83 within seventy-two hours after taking charge of the case.

84         8. If the cause of death cannot be determined within seventy-two hours after death, the  
85 attending medical examiner or coroner [or] , attending physician [or] , **physician assistant,**  
86 **assistant physician, advanced practice registered nurse, or** local registrar shall give the  
87 funeral director, or person in charge of final disposition of the dead body, notice of the reason  
88 for the delay, and final disposition of the body shall not be made until authorized by the medical

89 examiner or coroner, attending physician, **physician assistant, assistant physician, advanced**  
90 **practice registered nurse**, or local registrar.

91         9. When a death is presumed to have occurred within this state but the body cannot be  
92 located, a death certificate may be prepared by the state registrar upon receipt of an order of a  
93 court of competent jurisdiction which shall include the finding of facts required to complete the  
94 death certificate. Such a death certificate shall be marked "Presumptive", show on its face the  
95 date of registration, and identify the court and the date of decree.

96         **10. (1) Upon annual review of professional licensees regulated under chapters 334**  
97 **and 335, the Missouri state board of registration for the healing arts shall be required to**  
98 **provide notification of compliance requirements with the Missouri electronic vital records**  
99 **system.**

100         **(2) On or before August 30, 2015, the department of health and senior services,**  
101 **division of community and public health shall create a working group comprised of**  
102 **representation from the Missouri electronic vital records system users and recipients of**  
103 **death certificates used for professional purposes to evaluate the Missouri electronic vital**  
104 **records system, develop recommendations to improve the efficiency and usability of the**  
105 **system, and to report such findings and recommendations to the general assembly no later**  
106 **than January 1, 2016.**

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